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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,913	04/11/2001	Toshimi Iizuka	35.C9339 CII/DI	1149
5514	7590	04/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER

2872

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/829,913	Applicant(s) IIZUKA, TOSHIMI	
	Examiner Thong Q Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 2/3/2004 in which applicant has amended claims 11-12 and added a new set of claims, i.e., claims 16-19, into the present application.

A review of the device claimed in the newly-added claims 16-19 has resulted that the scope of the device recited in the newly-added claims is similar to that of the device recited in the original claims; therefore, all of the pending claims 11-12 and 16-19 are examined in this Office action.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The features relating to a front optical system and a rear optical system wherein the front optical system includes a shake correction system; the number of lens elements of the rear optical system is larger than the number of lens elements of the front optical system; and the type of lens element as recited in amended claims 11-12 and the newly-added claims 16-19.

It is noted that while the features mentioned above are readable from the figures, in particular, figure 1; however, the specification has not positively provided supports for the mentioned features.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (U.S. Patent No. 4,013,339, of record) in view of Furukawa et al (U.S. Patent No. 3,942,862, of record) and Sekine et al (U.S. Patent No. 5,107,293).

Ando et al disclose an optical device having an objective lens system for forming an image of an object, a prism system for erecting the image formed by the objective lens system, and an eyepiece for viewing the erected image. The objective lens system (62) comprises a composite lens element and the eyepiece lens system comprises a set of lens elements having a composite element and the number of lens elements of the eyepiece is larger than the number of lens element of the objective lens system. See columns 8-9 and figs. 6 and 9, for example. Ando et al also teach that the prism system is operated by a control mechanism for the purpose of stabilization the image when the optical device is subjected to vibrations or hand-shake. It is also noted that the device as provided by Ando et al contains a space located near the prism system for the purpose of supporting the mechanism used to operate the prism system. While Ando et al do not teach that their device comprises a variable angle prism system for the purpose of stabilization the image separately from the prism system for erecting an

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image; however, the use of a prism system having a variable prism system for stabilization an image caused by vibrations and another prism system for erecting an image would have been obvious to one skilled in the art for the following reasons: 1) One skilled in the art would readily recognize that the use of a prism for stabilization an image and simultaneously erecting an image is always heavy and requires a lot of energy for operation while still not providing a good quality of image to be viewed by an observer; 2) the use of such a prism system having both mentioned functions would require a relatively large space for the movement of the prism system, and the time for response is slow due to the heavy weight of the prism system and the mechanism used to operate the prism system; 3) the use of a first set of optical system for stabilization an image wherein the optical system is located separately from a second set of optical system for erecting an image is well known to one skilled in the art as can be seen in the optical device disclosed by Furukawa et al. In particular, Furukawa et al teach an optical device having an objective lens system for forming an image, a set of two lenses which is able to move with respect to each other for the purpose of stabilization an image, a set of relay lens for the purpose of erecting the stabilized image. See Furukawa et al, columns 4-5 and figs. 5-6, for example. It is also noted that the suggestion of using a variable angle prism for the purpose of compensating image blurs/shake caused by vibration in place of a heavy mechanism for the same function is clearly suggested to one skilled in the art as can be seen in the system provided by Sekine et al. In particular, Sekine et al disclose that the use of a variable angle prism in place of a heavy mechanism such as a rotating gyro, an accelerometer or the like will

reduce the weight, size and cost. See Sekine et al, column 1, lines 25+. It is also noted that the use of a circuit having detector for detecting the shake and actuator for controlling the operation of the variable angle prism is disclosed by Sekine et al in column 4. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the optical device provided by Ando et al by separating the functions of erection an image and compensation image blurred caused by vibration and using a variable angle prism for compensating image blurs/shake as suggested by Furukawa et al and Sekine et al for the purpose of reducing the weight and for obtaining a better quality of image.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

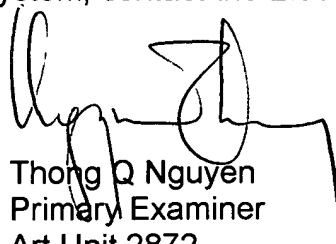
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen
Primary Examiner
Art Unit 2872
